

Message Text

CONFIDENTIAL

PAGE 01 USUN N 03267 01 OF 02 232201Z
ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00 H-01
INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11
AF-10 ARA-10 EA-10 EUR-12 NEA-10 /190 W
-----090063 240801Z /12

R 232139Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2940

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 03267

FROM LOSDEL

E.O. 11652: GDS
TAGS: PLOS, SU
SUBJECT: LOS: US-SOVIET BILATERAL AND EXPERTS MEETINGS,
AUGUST 18 AND 19

REF: MOSCOW 17520

1. US AND USSR LOSDELS MET AUGUST 18 TO DISCUSS PROCEDURES AND METHODS OF WORK FOR THE RESUMED SEVENTH SESSION. THE US (RICHARDSON) SUGGESTED FIRST CONSIDERING THE QUESTION OF THE STRATEGIC OBJECTIVES FOR THE SESSION; THEN IN THE LIGHT OF THAT DISCUSSION MOVE ON TO SPECIFIC PROPOSALS FOR ADVANCING THE WORK OF THE CONFERENCE. HE EXPRESSED THE VIEW THAT THE OBJECTIVE MIGHT BE TO TRY TO WRAP UP DURING THIS SESSION ALL THE UNRESOLVED PRIORITY ISSUES OUTSIDE THE FIRST COMMITTEE, (I.E. THE LEGAL STATUS OF THE ECONOMIC ZONE, THE OUTER LIMIT OF THE CONTINENTAL SHELF, MARINE SCIENTIFIC RESEARCH, LL/GDS ISSUES, AND COMPULSORY DISPUTE SETTLEMENT RELATED TO DELIMITATION) WHILE CONTINU-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03267 01 OF 02 232201Z

ING AHEAD WITH THE WORK OF THE FIRST COMMITTEE NEGOTIATING GROUPS. THE USSR (KOZYREV) AGREED THAT THIS APPROACH WOULD BE THE MOST CONSTRUCTIVE.

2. DRAFTING COMMITTEE - THE USSR OFFERED NO OBJECTION TO THE DRAFTING COMMITTEE BEGINNING WORK IN INFORMAL SESSION, IF IT CONFINES ITSELF TO THE DEFINITION OF TERMS AND

THE DELETION OF IRRELEVANT OR SUPERFLUOUS PROVISIONS.

3. MARINE SCIENTIFIC RESEARCH, AND THE US PROPOSED AMENDMENTS - THE USSR DELEGATION CONFIRMED ITS LINKAGE OF THIS ISSUE WITH THE STATUS OF THE ECONOMIC ZONE, SHELF DELIMITATION, AND DISPUTE SETTLEMENT RELATED TO DELIMITATION (SEE REFTEL). THE SOVIETS NOTED THAT THEY CANNOT SUPPORT PUBLICLY ANY US MOVE ON SCIENCE IN VIEW OF THEIR POSITION HERETOFORE; AND INDEED THAT THE SUBJECT CANNOT BE THE TOPIC OF ANY PUBLIC DISCUSSION UNTIL THE CONTOURS OF THE PACKAGE BECOME CLEAR IN PRIVATE DISCUSSIONS. THE US OBSERVED THAT AGUILAR WILL BE UNLIKELY TO FAVOR ANY FORMAL DISCUSSION OF THIS PACKAGE, AND THAT HE WOULD BE PARTICULARLY INTERESTED IN WHAT DEGREE OF FLEXIBILITY THE MOST CONCERNED DELEGATIONS (READ SOVIETS) MIGHT HAVE ON THE SHELF ISSUE. THE TWO DELEGATIONS AGREED TO UNDERTAKE DISCUSSIONS OF THE "PACKAGE" AT THE EXPERT LEVEL ON AUGUST 18, WITH A VIEW TOWARD COMPLETING THE DISCUSSIONS AT THAT LEVEL BY THE MIDDLE OF THE FIRST WEEK OF THE CONFERENCE. WHILE THE SOVIET DELEGATION STATED THAT IT IS STILL FIRMLY COMMITTED TO A DISTANCE CRITERION ON THE SHELF ISSUE, IT WAS CLEARLY MOST INTERESTED IN HOW ONE MIGHT APPROACH THE QUESTION OF DISTINGUISHING BETWEEN COASTAL STATE COMPETENCE AS TO RESOURCE AND NON-RESOURCE RIGHTS (SEE PARA 4 REFTEL).

4. KOZYREV STATED THAT THE USSR FULLY UNDERSTOOD THE US
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03267 01 OF 02 232201Z

CONCERNS ABOUT MARINE SCIENTIFIC RESEARCH AND WOULD SEEK TO BE HELPFUL. HE SPECIFICALLY LINKED THEIR ATTITUDE ON MSR WITH US ACCEPTANCE OF THEIR APPROACH TO DISPUTE SETTLEMENT FOR BOUNDARY DISPUTES. KOZYREV STATED THE SOVIETS WOULD NOT SPEAK IN FAVOR OF CHANGES IN THE MSR TEXT BUT WOULD INDICATE THAT IT WAS AN OUTSTANDING ISSUE.

5. AT THE EXPERTS' MEETING, THE SOVIETS INDICATED NO OBJECTIONS TO ANY OF THE US PROPOSALS EXCEPT ARTICLE 242 BIS. THEY ESPECIALLY WANT THEMSELVES AN EXCEPTION FOR RESEARCH NECESSARY FOR NAVIGATION AND DESIRE THE USE OF "SUSPENSION" IN ARTICLE 254 RATHER THAN "CESSATION." THE SOVIETS WISH THESE IDEAS TO BE INCLUDED IN OUR PROPOSALS. THEY SUGGESTED MODIFICATION OF THE US CHANGE REGARDING ARTICLE 250 (1) (D) BY ADDING "AS SOON AS PRACTICABLE", AND INSISTED UPON DELETING IN ARTICLE 250 (2) REFERENCE TO A SPECIFIED TIME PERIOD, SUGGESTING THAT IT REFER TO "REASONABLE CONDITIONS REGARDING MAKING RESULTS INTERNATIONALLY AVAILABLE." BOTH SIDES AGREED TO CONTINUE CLOSE COOPERATION ON THIS QUESTION.

6. DISPUTE SETTLEMENT - DURING THE DISCUSSION OF THE WORK

PLAN, KOZYREV SUGGESTED THAT ENGO SHOULD BE GIVEN SOME-
THING INTERESTING TO DO, FOR INSTANCE THE SETTLEMENT OF
SEABED DISPUTES. RICHARDSON COUNTERED WITH THE SUGGESTION
THAT ENGO SHOULD DISCUSS THE DIVISION OF POWERS
BETWEEN THE ASSEMBLY AND THE COUNCIL, AS WELL AS THE
STRUCTURE AND FUNCTIONS OF VARIOUS COMMISSIONS. WITH
RESPECT TO SEABED DISPUTES, RICHARDSON SUGGESTED THAT IT
MIGHT BE BETTER TO FOLLOW ZULETA'S PROPOSAL TO CONVENE A
GROUP OF COMPARATIVE LAW EXPERTS TO PREPARE A REPORT ON
THE SUBJECT. KOZYREV WOULD PREFER, HOWEVER, A
SMALL DRAFTING GROUP WORKING UNDER ENGO BUT TOOK THE
US SUGGESTION UNDER ADVISEMENT. MEANWHILE, THE WORK OF
NG-1 AND NG-2 WOULD MOVE AHEAD.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 03267 01 OF 02 232201Z

7. KOZYREV EMPHASIZED THE NEED FOR A "PACKAGE" APPROACH
TO ISSUES OF ECONOMIC ZONE, CONTINENTAL SHELF LIMIT AND

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 03267 02 OF 03 232154Z
ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00 H-01
INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11
AF-10 ARA-10 EA-10 EUR-12 NEA-10 /190 W
-----089982 240801Z /12

R 232139Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2941

C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 03267

DISPUTE SETTLEMENT CONCERNING MARITIME BOUNDARIES. HE
NOTED ALSO THAT THE SOVIET UNION HAS NOT ACCEPTED THE
COMPROMISE ON FISHING DISPUTES PROPOSED BY STAVROPOULOS;
ITS ACCEPTANCE DEPENDS ON FINDING A SATISFACTORY SOLUTION
FOR THE DELIMITATION QUESTION.

8. AS FAR AS ICNT ARTICLE 297 (1) (A) IS CONCERNED, THE SOVIET UNION WOULD BE WILLING TO ACCEPT CONCILIATION FOR DISPUTES ARISING AFTER THE COMING INTO FORCE OF THE CONVENTION; PRIOR DISPUTES WILL BE SUBJECT ONLY TO NEGOTIATIONS AND TO OTHER MEANS AGREED UPON BY THE PARTIES.

9. IN THE AFTERNOON DISCUSSION BY THE EXPERT GROUP, NASINOVSKY (USSR) EMPHASIZED THE NEED TO SIMPLIFY THE WORKING PAPER PREPARED IN GENEVA, AND TO CLARIFY THE DIFFERENCE BETWEEN THE TREATMENT OF PAST AND FUTURE DISPUTES. THE SOVIET UNION WOULD PREFER FURTHER DISCUSSIONS IN THE SMALL GROUP RATHER THAN IN NG-7. IT WAS POINTED OUT THAT THE SOVIET UNION DOES NOT LIKE THE IDEA OF A LIST OF EXEMPT DISPUTES; IT PREFERS EXCLUSION OF PAST DISPUTES.

SOHN NOTED THAT THE UNITED STATES IS WILLING TO HELP THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03267 02 OF 03 232154Z

SOVIET UNION IN OBTAINING A COMPROMISE ON THE SETTLEMENT OF DELIMITATION DISPUTES. HE RAISED THE ISSUE WHETHER THE SOVIET UNION WILL HELP IN TRYING TO OBTAIN BETTER PROVISIONS ON THE SETTLEMENT OF SEABED DISPUTES. NASINOVSKY GAVE ASSURANCES THAT THE SOVIET UNION WILL NOT RAISE ANY OBJECTIONS TO THE STRENGTHENING OF PROVISIONS FOR THE REVIEW OF DECISIONS OF THE COUNCIL AND ASSEMBLY.

IT WAS AGREED THAT SOHN WILL PREPARE A NEW DRAFT ON DELIMITATION DISPUTES TO BE CONSIDERED AT A MEETING ON AUGUST 21.

10. COMMITTEE ONE EXPERTS' MEETING - ON THE PROCEDURES FOR NG-1, THE SOVIETS BELIEVED THAT IT WOULD BE COUNTER-PRODUCTIVE TO REOPEN THE NJENGA TEXT, WITH WHICH THEY WERE SATISFIED (WITH THE EXCEPTION OF ARTICLE 153 ON REVIEW). THE US ALSO OPPOSED REOPENING THE TEXT AT THIS TIME ALTHOUGH IT IS NOT AS SATISFIED WITH THE TEXT AS THE USSR IS. THE US BELIEVES IT NECESSARY TO PUT THIS DISSATISFACTION ON THE RECORD AT THIS SESSION.

THE SOVIET REACTION TO THE US EXPLANATION OF ITS SEABED LEGISLATION WAS MILD. THE SOVIETS STATED THAT THEY WOULD OBJECT TO SUCH LEGISLATION FOR THE RECORD, BUT THAT THEY FELT IT WOULD NOT WRECK THE CONFERENCE.

ON NG-2 (FINANCIAL ARRANGEMENTS) THE SOVIETS STATED THAT THEY WOULD NOT PUT FORWARD THEIR 12.5 PCNT ROYALTY PROPOSAL AND THAT THE REASON WHY THEY INFORMALLY CIRCULATED IT AT GENEVA WAS MERELY TO PROVIDE AN IMPETUS FOR COMPROMISE. THE SOVIETS SAID THE G-77 LOOKED UPON EVENSEN (NORWAY)

AS THE FINANCIAL EXPERT MOST LIKELY TO COME UP WITH AN
ACCEPTABLE COMPROMISE, AND THE G-77 WOULD SUPPORT EVENSEN
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03267 02 OF 03 232154Z

PROVIDED THAT HIS ROLE DID NOT UNDERCUT TOMMY KOH. THE
US AGREED WITH THIS APPROACH, AND SAID A US TEAM HAD MET
WITH EVENSEN IN OSLO IN JUNE, AT WHICH TIME HE AGREED THAT
HIS GENEVA PROPOSAL WAS UNREALISTICALLY GENEROUS.

THE US ALSO INFORMED THE SOVIETS ABOUT THE UNSUCCESSFUL,
HIGH-LEVEL DEMARCHE TO THE FRENCH ON THE SUBJECT OF QUOTA/
ANTI-MONOPOLY. THE SOVIETS WERE DISAPPOINTED WITH THIS
OUTCOME AND EXPRESSED THE DESIRE THAT NEGOTIATIONS ON THIS
SUBJECT BETWEEN THE US, THE SOVIETS, AND THE FRENCH CONTIN-
UE AS SOON AS POSSIBLE.

THE SOVIETS WERE VERY CONCERNED ABOUT A ROLE FOR PAUL
ENGO AND STATED THAT THEY DID NOT THINK THAT HIS TIME
WOULD BE FULLY OCCUPIED IF THE ONLY SUBJECT WITH WHICH HE
DEALT WERE THE COMMISSION AND THE RELATIONSHIP BETWEEN
THE COUNCIL AND THE ASSEMBLY. THEY FELT THAT DISPUTE
SETTLEMENT WAS APPROPRIATE FOR HIM TO DEAL WITH, AND, WHEN
THE US DISAGREED WITH THIS, ONE POSSIBLE COMPROMISE WHICH
THE TWO DELEGATIONS DISCUSSED WAS CREATING A GROUP WITH
A STATUS SIMILAR TO THAT OF THE ARCHER GROUP BUT UNDER
THE AEGIS OF NEGOTIATING GROUP 3, WHICH IS CHAIRED BY ENGO

THE WORKING ATMOSPHERE OF THESE CONSULTATIONS WAS CON-
STRUCTIVE ALTHOUGH THE SOVIETS SEEMED SOMEWHAT TAKEN
ABACK WHEN THEY WERE INFORMED THAT THE US OPPOSED THE
"BRAZIL CLAUSE" ON TECHNOLOGY TRANSFER. CLEARLY, THE MOST
IMPORTANT THING TO THE SOVIETS IS THE PRESERVATION OF
NJENGA'S NEW ARTICLE 151. IT WAS IMPORTANT, THEY STATED,
THAT THE GROUP OF 77 BECOME USED TO WORKING WITH THE
PARALLEL SYSTEM, AND THEY SEEMED ANXIOUS TO AVOID ANY SORT
OF CONFRONTATION WHICH WOULD JEOPARDIZE NJENGA'S ARTICLE
151. FOR EXAMPLE, UNLIKE THEIR STAND IN GENEVA, THEY NOW
COUNSELED PATIENCE ON FILLING IN THE FINANCIAL
ARRANGEMENTS BLANKS LEST SUCH AN EFFORT BRING ABOUT A
DEADLOCK. YOUNG
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 03267 02 OF 03 232154Z

CONFIDENTIAL

NNN

MRN: 1978USUN N003267 SEGMENT NUMBER: 000003 ERROR READING TEXT INDEX

FILE; TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 23 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USUNN03267
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: RR
Errors: N/A
Expiration:
Film Number: n/a
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780829/aaaaayfw.tel
Line Count: 279
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE
Message ID: 5c16a45c-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 MOSCOW 17520
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1637026
Secure: OPEN
Status: NATIVE
Subject: LOS: US-SOVIET BILATERAL AND EXPERTS MEETINGS, AUGUST 18 AND 19
TAGS: PLOS, SU
To: SECSTATE WASHDC
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/5c16a45c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014